

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:15-CR-3
	:	
v.	:	(Chief Judge Conner)
	:	
ANTHONY D'AMBROSIO,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 24th day of October, 2017, upon consideration of the motion (Doc. 198) *in limine* by defendant Anthony D'Ambrosio ("D'Ambrosio"), seeking to exclude from admission at trial the testimony of the government's proposed expert witness, Detective John Goshert ("Detective Goshert"), on the basis that Detective Goshert's proposed testimony is of identical nature and substance to the proposed expert testimony of Dr. Sharon Cooper ("Dr. Cooper") previously deemed to be inadmissible in the above-captioned matter by Judge Caldwell, (Docs. 207, 213),¹ who presided over this matter prior to its reassignment to the undersigned, and the court noting that the government offered Dr. Cooper as an expert witness for the purpose of providing "background and context" to the jury on a variety of generalized topics, including: the "culture of pimping, the nature of enterprises associated with sex trafficking, victim vulnerabilities, the health care problems of victims which are directly related to the actions of the traffickers, the barriers to

¹ D'Ambrosio initially moved to exclude Detective Goshert's report on the basis that the government failed to provide a written summary of his anticipated testimony in violation of Federal Rule of Evidence 16(a)(1)(G). (Doc. 199 at 2-3). The government provided a written summary of Detective Goshert's testimony to counsel in response. (See Doc. 299 at 7; Doc. 309 at 2-3). The court deems this aspect of D'Ambrosio's motion to be moot.

exiting what is referred to as ‘the life’ or ‘the game,’ and multiple aspects of offender dynamics,” (Doc. 202 at 5, 11), with the aim of assisting the jury in understanding the “complex and often dysfunctional relationships and victim dynamics” which arise in such cases, (id. at 4-5), and the court further noting that Judge Caldwell held that such testimony is not relevant *sub judice* as it does not tend to make any fact of consequence more or less probable, (Doc. 313 at 3-5); see FED. R. EVID. 401, 702(a); that it does not bear on evaluation of probative evidence, (Doc. 313 at 5); see FED. R. EVID. 702(a); and that it constitutes an impermissible attempt to bolster the credibility of the victims before their credibility has been attacked, (Doc. 313 at 5); see FED. R. EVID. 608, leading Judge Caldwell to conclude that the testimony is not admissible in the government’s case in chief, (see Doc. 313 at 15), a decision that the Third Circuit Court of Appeals affirmed on interlocutory appeal, see United States v. D’Ambrosio, 677 F. App’x 84 (3d Cir. 2017), and the court observing that the government now seeks to offer the testimony of Detective Goshert in its case in chief for reasons largely identical to those cited in its brief defending Dr. Cooper’s proposed testimony,² and further that the government’s brief (Doc. 299) does not

² The government’s brief explaining the purported necessity of Dr. Cooper’s testimony is identical—but for the substitution of the proposed experts’ names—to the justification offered in support of Detective Goshert’s testimony. (Compare Doc. 202 at 4-5 with Doc. 299 at 5-7).

address the impact of the Third Circuit's decision on the admissibility of Detective Goshert's testimony, it is hereby ORDERED that:

1. The government shall show cause on or before **Monday, October 30, 2017** why the proposed expert testimony of Detective Goshert shall not be deemed inadmissible in the government's case in chief to the same extent and for the same reasons as the proposed expert testimony of Dr. Cooper.
2. D'Ambrosio shall file a brief answering any arguments raised in the government's show cause response on or before **Monday, November 6, 2017**.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania